

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 5-40006-FDS
)
HERIBERTO RODRIGUEZ)

ASSENTED TO MOTION TO CONTINUE STATUS DATE AND TO EXCLUDE TIME

Defendant, Heriberto Rodriguez, moves that the court continue the status date now scheduled for February 9, 2007 for approximately thirty days (March 9, 2007). As reasons therefore, (1) the parties are awaiting decisions in two motions to vacate prior convictions which are under advisement (Worcester District Court and Fitchburg District Court), (2) the defendant is presently facing a fifteen year mandatory minimum sentence however if one or both of the motions are resolved in defendant's favor, this case is likely to be resolved short of trial, (3) if the matter is resolved by change of plea, the defendant wants to be credited with acceptance of responsibility which requires informing the government of his decision prior to a trial date, (4) the Assistant Untied States Attorney in the case has been reassigned and the requested time will allow the new prosecutor to become familiar with the case.

If the motion is allowed, defendant asks that the time between February 9 and the new trial date be excluded from the speedy trial calculation as the requested continuance is in the interest of justice.

The government by Assistant United States Attorney Paul Casey assents to this motion.

HERIBERTO RODRIGUEZ
By his attorney,

/s/ Catherine K. Byrne
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Certificate of Service

I, Catherine K. Byrne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 6, 2007.

/s/ Catherine K. Byrne
Catherine K. Byrne